

STATE OF NEW HAMPSHIRE
SUPREME COURT
ADVISORY COMMITTEE ON JUDICIAL ETHICS

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QUESTION AND FACTS PRESENTED:

A judge writes that occasionally cases may be transferred from a foreign state to New Hampshire, and it may become helpful for the New Hampshire judge to have direct communication with the presiding judge of the foreign state's court for purposes of discussing issues relative to the transfer. The judge explains that such contact is most often made in order to expedite or otherwise facilitate the transfer. The question presented asks whether in those cases not covered by a specific authorizing statute, the judge may confer with the foreign state judge for purposes of discussing administrative matters associated with the case.

DISCUSSION AND APPLICATION OF CODE OF CONDUCT:

Canon 3(B)(7)(b) of the Code of Judicial Conduct provides, "A judge may consult with court personnel whose function is to aid the judge in carrying out the judge's adjudicative responsibilities or with other judges." No distinction is made between New Hampshire judges and judges of foreign jurisdictions. The Committee believes the facts presented fall within this section of the Code in that the contact, which is the subject of the inquiry, is strictly for purposes of aiding in the judge's adjudicative responsibilities; specifically, the responsibility to dispose of all judicial matters promptly, efficiently, and fairly. See Canon 3(B)(8).

ADVISORY OPINION ON THE QUESTION PRESENTED:

Canon 3(B)(7)(b) of the Code of Judicial Conduct permits a New Hampshire judge to confer with a judge from a foreign jurisdiction for purposes of aiding the New Hampshire judge in carrying out the judge's adjudicative responsibility, including the facilitation of the transfer of cases between sister states.

THIS ADVISORY OPINION IS ISSUED BY UNANIMOUS CONCURRENCE OF ALL COMMITTEE MEMBERS.

Edwin W. Kelly, Member

CAUTIONARY STATEMENT

This opinion is advisory only and not binding on the judicial conduct committee, which may, in its discretion, consider compliance with an advisory opinion by the requesting individual as a good faith effort to comply with the Code of Judicial Conduct. Rule 38-A(4)(c).